

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JAMES T. ROBERTS, JR.,

Plaintiff,

-against-

UNITED STATES DEPARTMENT OF
TRANSPORTATION, UNITED STATES
DEPARTMENT OF VETERANS AFFAIRS,
and the FEDERAL AVIATION
ADMINISTRATION,

Defendants.
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NOT FOR PUBLICATION
ORDER

02-CV-4414 (CBA)

AMON, UNITED STATES DISTRICT JUDGE

Plaintiff James T. Roberts commenced this action on February 19, 2002, alleging that the defendants violated the Privacy Act of 1974, 5 U.S.C. § 552a by transferring his employee health records (the “Health Records”) from the United States Department of Veterans Affairs (“the VA”) to the Federal Aviation Administration (“the FAA”), an agency within the Department of Transportation (“the DOT”), when he began employment with that agency in 1989. The defendants filed a motion for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c) on the ground that the transfer of the Health Records fell within a statutory exception to the Privacy Act as a “routine use” of the records. In the alternative, the defendants moved for summary judgment pursuant to Federal Rule of Civil Procedure 56(c) on the grounds that Roberts consented to the transfer and suffered no adverse effect as a result thereof. On April 18, 2005, this Court referred the defendants’ motion to the Honorable Cheryl L. Pollak, United States Magistrate Judge, to prepare a report and recommendation.

This Court has received the report and recommendation of Magistrate Judge Pollak, which recommends that the defendants’ motion be granted. No party has filed objections to the

report and recommendation.

The Court hereby adopts Magistrate Judge Pollak's report and recommendation as the opinion of the Court, and grants judgment on the pleadings in defendants' favor. The Clerk of the Court is directed to enter judgment accordingly and to close the case.

SO ORDERED.

Dated: Brooklyn, New York
March 27, 2006

Carol Bagley Amon
United States District Judge